

By Neal.

S. B. No. 79.

A BILL**To Be Entitled**

An Act empowering the County School Board of Trustees with the authority to add by annexation, or consolidation, or extension of boundary line and contiguous common school district with any independent school district for high school or elementary school purposes and maintaining the administrative identity and administrative authority of such independent school district to which such school or schools are annexed for teaching purposes.

Be it enacted by the Legislature of the State of Texas:

Section 1. That upon and after the passage of this Act the County Board of Trustees shall have authority to annex for teaching purposes to an independent school district, maintaining an accredited or affiliated high school as designated by the State Department of Education, such common school districts or other independent school districts contiguous to such independent school district, where such annexation would be for the economical teaching of pupils in such common school or independent school districts.

Sec. 2. Such annexation shall be made upon petition of a majority of the qualified voters of the common school district or independent district to be annexed. Such request for annexation must also be approved by a majority of the Board of Trustees of the Independent School District to which the annexation is made for teaching purposes.

Sec. 3. In cases where the County Board of Trustees shall make annexations provided herein, the administrative power of the Independent district to which such school territory is annexed for teaching purposes shall not be effected. Such independent school district shall have supervision authority as provided by law for such independent school districts over taxation and school depositories.

Sec. 4. Whereas the manifest importance of this Legislation and the fact that there are now many instances of annexations as provided

in this bill in which the administrative powers of the independent school districts to which such annexation is made is in an unsettled condition and an imperative public necessity exists requiring the suspension of the constitutional rule which requires rules to be read on three several days in each house and the rule is hereby suspended and this Act shall take effect and be enforced from and after its passage and it is so enacted.

SIXTEENTH DAY.

Senate Chamber,

Austin, Texas,

March 14, 1930.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Moore.
Berkeley.	Neal.
Cousins.	Parr.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Small.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.

Absent—Excused.

Stevenson.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By Senator Thomason:

S. B. No. 92, A bill to be entitled "An Act to subject to taxation for

school purposes all land in Cherokee County, Texas, owned by the State of Texas and Prison Commission of Texas, except the land heretofore set aside for the Rusk State Hospital, but including the land heretofore set aside to the Agricultural & Mechanical College for re-forestation purposes; and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Greer:

S. B. No. 93, A bill to be entitled "An Act directing State Superintendents of Public Instruction to pay out of rural aid funds heretofore appropriated by the Forty-first Legislature, Third Called Session, a certain sum of money as a reward for consolidation to the Brownsboro Consolidated School District by adding to Chapter 14, Section 8A, carrying out the hereinbefore mentioned purpose and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Small:

S. B. No. 94, A bill to be entitled "An Act to fix the salary of the Superintendent of Public Instruction in each county in Texas having a population of not less than 4660 nor more than 4,700 according to the Federal census of 1920; providing for office expenses; repealing all laws and parts of laws in conflict herewith and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Greer:

S. B. No. 95, A bill to be entitled "An Act amending Section 11, Chapter 14, of the General Laws of the Forty-first Legislature, Third Called Session, providing supplemental State aid to those school districts voting one dollar tax and maintaining certain required standards and amending Section 16, Chapter 14, of the General Laws of the Forty-first Legislature, Third Called Session, by adding to Section 16, the following words: "Or to those districts who elect to apply for aid under this section, instead of Section 2, of Chapter 14, and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

Messages From the House.

The Chair recognized the Doorkeeper, who introduced a messenger from the House with the following messages:

Hall of the House of Representatives.

Austin, Texas, March 14, 1930.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has concurred in Senate Amendments to H. B. No. 19 by a vote of 90 yeas, 11 nays, and 2 present and not voting.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk House of Representatives.

Hall of the House of Representatives.

Austin, Texas, March 14, 1930.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 105, A bill to be entitled "An Act providing for the taking of depositions in matters pending before the Railroad Commission, or any division thereof; prescribing rules and regulations governing the same, and declaring an emergency."

H. B. No. 115, A bill to be entitled "An Act authorizing the commissioners' court to contract for the collection of insolvent taxes due on personal property in the same manner and subject to the same rules and regulations as now provided by law for contracts governing the collection of delinquent taxes due on real property; provided, that such contracts for the collection of insolvent taxes may authorize the payment of commissions without the necessity of suit being filed to effect collection, and declaring an emergency."

H. B. No. 116, A bill to be entitled "An Act providing that all petroleum tank cars used in this State shall be liable for taxation in the county where such tank cars are maintained or assembled for storing or shipping petroleum products, etc."

H. B. No. 128, A bill to be entitled "An Act amending the provisions of Article 2968, Revised Civil Statutes of Texas, 1925, providing for changing the method and time of securing certificates of exemption of persons

exempt by law from the payment of poll taxes, who are residents of a city of 10,000 inhabitants or more and providing that during continuous residence of the exempt voter in the voting precinct where such exemption certificate was issued, no additional certificate shall be required, and declaring an emergency."

S. B. No. 71, A bill to be entitled "An Act to amend Article 1302, Revised Statutes 1925, so as to authorize the formation of corporations to do a mineral royalty business, and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk House of Representatives.

Hall of the House of Representatives.
Austin, Texas, March 14, 1930.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has refused to pass the following bill:

S. B. No. 32, A bill to be entitled "An Act providing for workmen's compensation for employees of the State Highway Department, and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives.
Austin, Texas, March 14, 1930.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

H. B. No. 73, A bill to be entitled "An Act creating additional and adequate courts for Dallas County; defining their jurisdiction, adjusting the business of the existing district courts to the business thereof, prescribing the duties of the district clerk with respect thereto, repealing all laws in conflict therewith, and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives.
Austin, Texas, March 14, 1930.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House

has concurred in Senate Amendments to H. B. No. 75 by a viva voce vote.

H. B. No. 40, A bill to be entitled "An Act creating the 117th Judicial District Court for Nueces County; defining its jurisdiction; transferring the civil original jurisdiction of the county court of Nueces County to the court created hereby and adjusting the business of said courts; adjusting the business of the Twenty-eighth District Court of Nueces County with the court created hereby, and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives.
Austin, Texas, March 14, 1930.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has concurred in Senate Amendments to H. B. No. 83 by a vote of 106 yeas and no nays.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives.
Austin, Texas, March 14, 1930.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

H. B. No. 15, A bill to be entitled "An Act to amend Article 7047, Revised Civil Statutes of the State of Texas, 1925, providing for the levy of occupation taxes on and collection from persons, firms, associations and companies pursuing the several occupations enumerated herein; repealing all laws and parts of laws in conflict herewith; providing that if any subdivision or part of this Act may be declared invalid for any reason it shall not affect any other section, subdivision or part of this Act, and declaring an emergency."

With engrossed rider.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

House Bills Referred.

H. B. No. 15, referred to Committee on State Affairs.

H. B. No. 40, referred to Committee on Judicial Districts.

Message From the Governor.

The Chair recognized the Door-keeper, who introduced a messenger from the Governor with the following message:

Executive Office,
March 13, 1930.

To the Members of the Forty-first Legislature:

It is my information that some members of the Legislature say that they are not clear in their understanding of my intentions regarding the subject of appropriation. I thought that I had been very definite in the statement of my position in this regard. In the message sent to the Legislature on March fifth the following language was used:

"The summer schools of 1930 have every dollar available now which was provided for them by the Forty-first Legislature, and we are told that this will not be sufficient to operate these schools more than about half the usual term.

"The eleemosynary institutions have made requests for additional funds.

"The provision for the support and maintenance of the prison system was made upon the basis of a prison population of about four thousand. The population has averaged approximately five thousand since before the bill was passed. The Prison Board has stated that the funds available are not sufficient to feed, clothe and guard all of these prisoners, and meet other current needs of the system.

"I called your attention to these request in the past called session of the Legislature and submitted for your consideration the raising of revenues to meet them. In the proclamation convening this session of the Legislature, I again mentioned these requests and submitted the subject of raising the funds necessary to meet them. I suggest that some of them are urgent, and that they are essential to some of the necessary functions of the government. I further want to remind you that the time left within which you may raise the funds to satisfy these needs is fast drawing to a close. There are only about fifteen days left to this session of the Legislature. None can defend the spend-

ing of money in excess of the revenues of the State. I want to impress upon you the importance that something be done to provide revenues if these needs are to receive attention."

In my opinion the language just quoted is susceptible to but one construction, and that is that I mean to submit the subject of appropriations when you have provided the revenue to be appropriated for these needs. It is my purpose to submit the subject of appropriations when you have raised the revenue that will be required to meet the necessary requests of the departments and institutions, but until that time I do not plan to submit that subject, otherwise there would be no point in suggesting the need of the revenue.

The present tax rates were adopted to yield revenue to meet outstanding appropriations. If the other appropriations are made then the necessary revenues must be provided. These revenues should not and cannot be raised by imposing additional taxes on the farms and homes of the country. If you should appropriate money for these purposes without first providing it you would be in the indefensible position of appropriating funds beyond the expectant revenue of the State. Present revenues will pay all outstanding appropriations. There would be no justification in submitting the subject of appropriations before provision is made for the funds and it is for that reason that I withhold this subject.

I want to say to you again, as I did on March fifth, that the time left for the Forty-first Legislature is fast drawing to a close, and I want to impress upon you the importance of prompt action in providing the revenues if these needs are to receive attention. The summer school situation affects approximately ten thousand of our school teachers who attend these schools for their necessary preparation.

House Bill No. 11, passed at the Third Called Session of the Forty-first Legislature and found at page 523, Acts of the Second and Third Called Sessions of the Forty-first Legislature, provides the powers and duties of the Board of Control in caring for certain colored orphans. Under this bill it has been

impossible for the Board of Control to take over this matter, and I am told that the inmates of the orphanage are suffering and in want. It is my understanding that some defects in the title to some piece of property has caused the delay. I submit for your consideration making such amendments to this Act as in your judgment the necessities of the situation may require.

Respectfully submitted,
DAN MOODY.

Senate Bill No. 22.

The Chair laid before the Senate as special order the following bill:
By Senator Williamson:

S. B. No. 22, A bill to be entitled "An Act amending Title 88 of the Revised Civil Statutes of Texas, 1925, by adding thereto an Article to be known as Article 5432-A defining libel as applied to statements made over and through a radio broadcasting station, providing a penalty, defining radio broadcasting station, and declaring an emergency."

Senator Love sent up the following amendment:

Amend S. B. No. 22 by adding a new section to be known as Section 2, and by re-numbering Section 2 so that it will be Section 3, said new section to read as follows:

"Section 2. That there be further added to Title 88 of the Revised Civil Statutes of 1925, an Article to be known as 5432b, and to read as follows:

Art. 5432b. It is no libel: For any person to circulate or for the owner or person in charge of any broadcasting station to permit any person to circulate by words spoken over the radio of such broadcasting station;

To make any publication respecting a body politic or corporate as such;

To make publications respecting the merits or doctrines of any particular religion, system of morals or politics, or of any particular form of government;

To publish any statement respecting any legislative or judicial proceedings, whether in fact true or not, unless in such statement a charge of corruption is made against some person acting in a legislative or judicial capacity;

To publish any criticism or examination of any work of literature, science or of art, or any opinion as to the qualifications or merits of the author of such work;

To publish true statements of fact as to the qualifications of any person for any occupation, profession or trade;

To make true statements of fact or express opinions as to the integrity or other qualifications of a candidate for any office or public place or appointment.

LOVE.

The amendment was read.

Bills Signed.

The Chair, Lieutenant Governor Barry Miller, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

H. B. No. 32.
H. B. No. 125.
H. C. R. No. 11.
H. B. No. 66.
H. B. No. 104.

Committee Reports

At 10:30 o'clock, the Chair announced that the hour for the report by the Free Conference Committee on H. B. No. 10 had arrived.

The report was made by Senators Williamson, Witt, and Wirtz.

Senator DeBerry raised the point of order that, under the terms of the resolution adopted yesterday, since the Committee had not made a "report," in the customary meaning of the term, and had not reported whether the conferees could agree or disagree, and had reported nothing tangible, it became the duty of the Chair to discharge the conferees of the Senate and appoint new ones.

The Chair overruled the point of order.

Senate Bill No. 22.

On motion of Senator Williamson, S. B. No. 22 was laid on the table subject to call.

Motion to Concur.

Senator Williamson moved to concur in the House amendment to S. B. No. 21.

Senator Love moved as a substitute that the Senate not concur but ask for a Free Conference Committee.

Recess.

On motion of Senator Holbrook, the Senate, at 12:06 o'clock, recessed until 2 o'clock.

After Recess.

The Senate met at 2 o'clock p. m., pursuant to recess and was called to order by Lieutenant Governor Barry Miller.

Senate Bill No. 21.

The question recurred on the motion to ask for a Free Conference Committee on S. B. No. 21.

Senator Hyer moved to table the motion. The motion prevailed by the following vote:

Yeas—18.

DeBerry.	Pollard.
Greer.	Russek.
Hardin.	Small.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Martin.	Wirtz.
Parr.	Woodul.
Parrish.	Woodward.

Nays—9.

Berkeley.	Miller.
Cunningham.	Moore.
Gainer.	Neal.
Love.	Witt.
McFarlane.	

Absent.

Beck.	Patton.
Cousins.	Stevenson.

The motion to concur prevailed by the following vote:

Yeas—18.

Cousins.	Russek.
Greer.	Small.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Martin.	Witt.
Parr.	Woodul.
Parrish.	Woodward.

Nays—11.

Berkeley.	DeBerry.
Cunningham.	Gainer.

Love.	Neal.
McFarlane.	Patton.
Miller.	Pollard.
Moore.	

Absent.

Beck.

Absent—Excused.

Stevenson.

House Bill No. 19.

The Chair laid before the Senate as special order the following bill:

By Mr. Hubbard and Mr. Graves of Williamson:

H. B. No. 19, A bill to be entitled "An Act amending Article 7060 of the Revised Civil Statutes of 1925, so as to increase the gross receipts taxes upon those engaged in owning, operating, managing or controlling any gas, electric light, electric power or waterworks, or water and light plant, within this State and charging for gas, electric lights, electric power or water, and levying said tax without regard to the population of the town or city in which same is operated, and declaring an emergency."

The committee report carrying an amendment was adopted.

The bill was read second time.

Senator Moore sent up the following amendment:

Amend H. B. No. 19, page 207, of the Senate Journal, by striking out all of the word "City" in line 18 down to and including the word "Receipts" in line 22 and insert in lieu thereof the following:

"Of twenty-five hundred inhabitants, and less than ten thousand inhabitants, according to the last U. S. census next preceding the filing of said report, shall pay to the Treasurer of this State an occupation tax for the quarter beginning on said date equal to one-half of one per cent of said gross receipts, as shown by said report; and for any incorporated town or city of ten thousand inhabitants or more, according to the last U. S. census next preceding the filing of said report, the said individual, company, corporation or association, at the time of making said report, shall pay to the Treasurer of this State an occupation tax for the quarter beginning on said date an amount equal to one per cent of said

gross receipts"; and amend the caption to conform thereto.

Moore, Beck, Hornsby, Thomason, Woodward.

The amendment was read.

Senator Woodul sent up the following amendment to the amendment:

Amend the amendment to H. B. No. 19 by changing the word "one per cent" in next to last line thereof to "one-half of one per cent."

WOODUL.

The amendment to the amendment was read.

Senator Witt sent up the following substitute for the amendment to the amendment:

Substitute for the amendment by substituting $\frac{3}{4}$ of 1% for 1%.

WITT.

The substitute was read.

Senator Witt withdrew the substitute.

The amendment to the amendment was lost by the following vote:

Yeas—3.

Cousins. Woodul.
Williamson.

Nays—24.

Berkeley.	Miller.
Cunningham.	Moore.
DeBerry.	Neal.
Gainer.	Parrish.
Greer.	Pollard.
Hardin.	Russek.
Holbrook.	Small.
Hornsby.	Thomason.
Hyer.	Westbrook.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodward.

Absent—Excused.

Patton. Stevenson.

(Pair Recorded.)

Senator Parr (present) who would vote yea, with Senator Beck (absent) who would vote nay.

Senator Witt sent up the following amendment to the amendment:

Amend the amendment by substituting $\frac{3}{4}$ of 1% for 1% wherever it appears.

WITT.

The amendment to the amendment was read.

Senator Love moved the previous question on the amendment to the amendment, the amendment, and the passage of the bill to third reading. The previous question was ordered.

The amendment to the amendment was lost by the following vote:

Yeas—10.

Cousins.	Westbrook.
Greer.	Williamson.
Hardin.	Wirtz.
Holbrook.	Witt.
Patton.	Woodul.

Nays—17.

Berkeley.	Moore.
Cunningham.	Neal.
DeBerry.	Parrish.
Gainer.	Pollard.
Hornsby.	Russek.
Hyer.	Small.
Love.	Thomason.
McFarlane.	Woodward.
Miller.	

Absent—Excused

Martin. Stevenson.

(Pair Recorded.)

Senator Parr (present) who would vote yea, with Senator Beck (absent) who would vote nay.

The original amendment was adopted by the following vote:

Yeas—15.

Berkeley.	Moore.
Cunningham.	Neal.
DeBerry.	Parrish.
Gainer.	Pollard.
Hornsby.	Small.
Hyer.	Thomason.
Love.	Woodward.
Miller.	

Nays—11.

Cousins.	Westbrook.
Greer.	Williamson.
Holbrook.	Wirtz.
McFarlane.	Witt.
Patton.	Woodul.
Russek.	

Absent—Excused.

Hardin. Stevenson.
Martin.

(Pair Recorded.)

Senator Parr (present) who would

vote nay, with Senator Beck (absent) who would vote yea.

The bill as amended passed to third reading.

On motion to Senator Woodward the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 19 was put on its third reading and final passage by the following vote:

Yeas—26.

Beck.	Moore.
Berkeley.	Neal.
Cunningham.	Parr.
DeBerry.	Parrish.
Gainer.	Patton.
Greer.	Pollard.
Hardin.	Russek.
Holbrook.	Small.
Hornsby.	Thomason.
Hyer.	Williamson.
Love.	Wirtz.
McFarlane.	Witt.
Miller.	Woodward.

Nays—2.

Cousins. Woodul.

Absent—Excused.

Martin. Westbrook.
Stevenson.

Read third time and finally passed by the following vote:

Yeas—23.

Berkeley.	Neal.
Cunningham.	Parrish.
DeBerry.	Patton.
Gainer.	Pollard.
Greer.	Russek.
Hardin.	Small.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Love.	Wirtz.
McFarlane.	Witt.
Miller.	Woodward.
Moore.	

Nays—4.

Cousins. Williamson.
Hyer. Woodul.

Absent—Excused.

Martin. Stevenson.

(Pairs Recorded.)

Senator Parr (present) who would vote nay, with Senator Beck (absent) who would vote yea.

Bill Signed.

The Chair, Lieutenant Governor Barry Miller, gave notice of signing, and did sign, in the presence of the Senate, after its caption had been read, the following bill:

S. B. No. 21.

House Bill Referred

H. B. No. 73, referred to Committee on Judicial Districts.

Message From the Governor.

The Chair recognized the Doorkeeper, who introduced a messenger from the Governor with the following message:

Executive Office,
March 14, 1930.

To the Senate of Texas:

While it is always desirable to keep the record straight, it is neither desirable nor practical to attempt a correction of all erroneous impressions that may be created by statements made in legislative debates, but I deem it proper to correct statements which the public press reports as made yesterday in the Senate, because a misunderstanding upon the part of the public is likely to follow unless the correction is made.

Members of the Senate told me that it had been stated on the floor of the Senate yesterday that I had vetoed summer school appropriations, and that when this statement was challenged, it was corrected; and that it was then said that while I did not veto summer school appropriations, I asked the committees to reduce these appropriations. I sent a correction to the Senate of the statement that I had vetoed summer school appropriations, and pointed out that I had not vetoed any such appropriations, and I also corrected the statements to the effect that I had asked for a reduction of the appropriations for summer schools. The public press of this morning carries the report that it was said that I had vetoed certain appropriations for contingent funds, and that if these appropriations had not been vetoed the summer schools would now have sufficient money. This statement is not correct, and is calculated to misinform the public.

The facts are that certain educa-

tional institutions asked the Forty-first Legislature for an increase in salaries and in the number of instructors for the long school term. Neither the increase in salaries nor the additional instructors were allowed in the appropriation bill that was passed; but to provide funds to increase salaries and to employ additional instructors, items were inserted in the appropriation bill under the wording "contingent funds for additional teachers and adjustment of salaries." Similar items were in the appropriation bill of the Fortieth Legislature totaling \$88,500.00, while these items in the bill of the Forty-first Legislature totaled \$382,243.00. I vetoed all of these contingent fund appropriations with the exception of one. The money carried in these appropriations was to be used, and the schools intended to use it, and I understood that the Legislature appropriated it for the employment of additional instructors and to supplement salaries during the long term and not for the summer schools. Representatives of eight of the State supported colleges have stated this morning that the schools planned to use it for additional instructors and to supplement salaries during the long term, and did not intend it for summer school purposes. The elimination of these items did not take away one dollar of the money intended for summer schools. Every dollar appropriated for summer schools is now in the bill and available. The plight of the summer schools is due entirely to the fact that adequate funds were not provided when you passed the appropriation bill.

This correction is made in the interest of fairness, and to correct misimpressions that might be created by the statements to which I have referred.

Respectfully submitted,
DAN MOODY, Governor.

**Communication From State
Treasurer.**

The Chair laid before the Senate the following communication:

Treasury Department,
March 14, 1930.

Hon. Barry Miller, President of the Senate.

Dear Sir: Your attention is re-

spectfully called to the fact that the increase of duties placed upon the Treasurer's office by reason of recently created Boards and Bureaus and Department, as well as the passage of new laws, makes it impossible for this office with the help that it now has to comply with the eight-hour labor law.

You no doubt understand that we cannot leave for the next day, any day's work, but must, like a bank, balance each day's business before we can open the doors of the office the next day, and because of this necessity and for the protection of the State, I must have additional help, that will enable me to comply with the labor law above referred to.

Yours truly,

(Signed) W. GREGORY HATCHER.
State Treasurer.

Read and referred to the Committee on Finance.

Simple Resolution No. 20.

Senator Love called up from the table S. R. No. 20, instructing the conferees on H. B. No. 2 to report at 10 o'clock Friday, March 14.

Senator Love sent up the following amendment:

Amend the resolution by striking out the words "by Friday, March 14 at 10 a. m." and by inserting the word "immediately."

LOVE.

Senator Love moved the previous question on the amendment and the resolution. The previous question failed to be ordered by the following vote:

Yeas—10.

Greer.	Parrish.
Hornsby.	Small.
Love.	Thomason.
McFarlane.	Witt.
Neal.	Woodward.

Nays—18.

Berkeley.	Miller.
Cousins.	Moore.
Cunningham.	Parr.
DeBerry.	Patton.
Gainer.	Russek.
Hardin.	Westbrook.
Holbrook.	Williamson.
Hyer.	Wirtz.
Martin.	Woodul.

Absent—Excused.

Beck.

(Pair Recorded.)

Senator Pollard (present) who would vote yea, with Senator Stevenson (absent) who would vote nay.

The amendment was adopted.

The resolution was adopted by the following vote:

Yeas—17.

Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Parrish.
DeBerry.	Thomason.
Greer.	Wirtz.
Holbrook.	Witt.
Hornsby.	Woodul.
Love.	Woodward.
McFarlane.	

Nays—7.

Gainer.	Russek.
Hardin.	Westbrook.
Martin.	Williamson.
Parr.	

Present—Not Voting.

Hyer.	Miller.
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Absent—Excused.

Beck.	Small.
Patton.	Stevenson.
Pollard.	

Motion to Discharge Prison Bill Conferees.

Senator Wirtz sent up the following written motion:

I move that the conferees on the part of the Senate on H. B. No. 10, being the Prison Bill, be discharged, and that the Lieutenant Governor be authorized to appoint a new committee on the part of the Senate.

WIRTZ.

The motion was read.

Senator Love sent up the following substitute:

I move that the conferees on the part of the Senate on H. B. No. 10 and also the conferees on H. E. No. 2 both be requested to report to the Senate by 10:15 o'clock a. m. tomorrow.

LOVE.

The substitute was read.

Conference Committees Resign.

Senators Williamson, Witt, Wirtz, Patton, and Beck (Senator Witt representing him) resigned from the Free Conference Committee on H. B. No. 10.

The Chair announced the appointment of the following new conferees on the part of the Senate on H. B. No. 10:

Senators DeBerry, Martin, Small, Love, Greer.

Senator Holbrook, on behalf of the Senate conferees on H. B. No. 2, announced their resignation.

The Chair announced the appointment of the following new conferees on H. B. No. 2:

Senators Wirtz, Moore, Hardin, Westbrook, Cunningham.

Simple Resolution No. 18.

Senator Love called up from the table S. R. No. 18,

Instructing the Senate conferees to vote for a 75 cent tax on sulphur.

Senator Wirtz sent up the following amendment:

Amend the resolution by adding thereto the following:

"And that the Senate conferees on H. B. No. 10 be instructed to agree on a compromise bill without provision for any unit on other present prison owned property."

WIRTZ.

The amendment was read.

Senator Love moved the previous question on the amendment and the resolution. The motion failed to receive the proper seconding.

The amendment was lost by the following vote:

Yeas—12.

Berkeley.	McFarlane.
Cousins.	Parr.
Cunningham.	Patton.
DeBerry.	Russek.
Greer.	Small.
Martin.	Wirtz.

Nays—15.

Gainer.	Parrish.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Witt.
Love.	Woodul.
Moore.	Woodward.
Neal.	

Absent—Excused.

Pollard. Stevenson.

(Pair Recorded.)

Senator Miller (present) who would vote yea, with Senator Beck (absent) who would vote nay.

Senator Holbrook moved the previous question on the resolution. The motion prevailed.

The resolution was lost by the following vote:

Yeas—8.

Berkeley.	McFarlane.
DeBerry.	Neal.
Greer.	Patton.
Love.	Woodward.

Nays—18.

Cunningham.	Parr.
Gainer.	Parrish.
Hardin.	Russek.
Holbrook.	Small.
Hornsby.	Westbrook.
Hyer.	Williamson.
Martin.	Wirtz.
Miller.	Witt.
Moore.	Woodul.

Absent—Excused.

Beck.

(Pairs Recorded.)

Senator Cousins (present) who would vote nay, with Senator Pollard (absent) who would vote yea.

Senator Thomason (present) who would vote yea, with Senator Stevenson (absent) who would vote nay.

House Bills Referred.

H. B. No. 105 referred to Committee on State Affairs.

H. B. No. 115 referred to Committee on State Affairs.

H. B. No. 116 referred to Committee on State Affairs.

H. B. No. 128 referred to Committee on Privileges and Elections.

Tributes to Lieutenant Governor Barry Miller.

Senators Moore, Witt, Parr, Holbrook, DeBerry, Wirtz, Hornsby, Williamson, Hardin, Gainer, Berkeley, Cousins, Woodward, Miller, Neal, Greer, McFarlane, and Hyer briefly expressed their appreciation of the service of Lieutenant Gov-

ernor Barry Miller as presiding officer of the Senate.

Lieutenant Governor Miller briefly expressed his thanks.

Senator Love Resigns.

Senator Love announced his resignation from the new Free Conference Committee on H. B. No. 10.

The Chair appointed Senator Gainer to succeed Senator Love.

Adjournment.

On motion of Senator Hyer, the Senate at 6:35 o'clock adjourned until tomorrow morning at 10 o'clock.

APPENDIX.**Petitions and Memorials.****(Telegram.)**

Jacksonville, Texas,
March 13, 1930.

Hon. Tom B. Love of the Legislature, Austin, Texas.

In the name of the Confederate soldiers who have passed on and left helpless ones who suffer I beg that you will correct the pension bill before this term of the Legislature closes.

From daughter of a Confederate soldier and a widowed mother, age 73,
MRS. W. O. LATTIMORE.

Committee on Engrossed Bills.

Committee Room,
Austin, Texas, March 14, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 71 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, March 14, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 63 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, March 14, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on En-grossed Bills, have had S. B. No. 88 carefully examined and compared, and find the same correctly en-grossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, March 14, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on En-grossed Bills, have had S. B. No. 85 carefully examined and compared, and find the same correctly en-grossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, March 14, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on En-grossed Bills, have had S. B. No. 83 carefully examined and compared, and find the same correctly en-grossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, March 14, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on En-grossed Bills, have had S. B. No. 81 carefully examined and compared, and find the same correctly en-grossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, March 14, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on En-grossed Bills, have had S. B. No. 75 carefully examined and compared, and find the same correctly en-grossed.

WESTBROOK, Chairman.

Committee on Enrolled Bills.

Committee Room,
Austin, Texas, March 14, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 21 carefully examined and compared, and find the same correctly en-rolled, and have this day at 5 o'clock p. m. presented the same to the Governor for his approval.

WITT, Chairman.

Committee Room,
Austin, Texas, March 13, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on En-rolled Bills, have had S. B. No. 11 carefully examined and compared, and find the same correctly en-rolled, and have this day at 11:05 o'clock a. m. presented the same to the Governor for his approval.

WITT, Chairman.

Committee Reports.

Committee Room,
Austin, Texas, March 14, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 91, A bill to be entitled "An Act amending Chapter 91 of the General and Special Laws of Texas of 1927 of the First Called Session of the Fortieth Legislature, entitled, etc."

Have had the same under consid-eration, and I am instructed to re-port it back to the Senate with the recommendation that it do pass and be not printed.

NEAL, Chairman.

Committee Room,
Austin, Texas, March 14, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Edu-cational Affairs, to whom was re-ferred

H. B. No. 117, A bill to be entitled "An Act providing for a rural school supervisor in certain counties in lieu of teachers institute; prescribing the duties of said supervisor; providing for visits to schools of the county and work in cooperation with teach-ers; prescribing the salary of said supervisor and how it shall be paid; providing other things incidental to said purpose; and declaring an emergency."

Have had the same under consid-eration, and I am instructed to re-port it back to the Senate with the recommendation that it do pass and be not printed.

NEAL, Chairman.

Committee Room,
Austin, Texas, March 14, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Stock and Stockraising, to whom was referred

H. B. No. 134, A bill to be entitled "An Act amending Chapter 22 of H. B. No. 164, passed by the Second Called Session of the Forty-first Legislature, the same being an Act regulating the taking of fur-bearing animals in certain counties, declaring the wild beaver, wild otter, wild mink, wild ringtail cat, wild badger, wild polecat or skunk, wild o'possum, wild raccoon, wild fox and wild civet-cat to be fur-bearing animals and making it unlawful to take any of the fur-bearing animals of this State by means of a steel trap, deadfall or snare, in the counties of Panola, Shelby, Nacogdoches, Rusk, Cherokee, Angelina, San Augustine, Hardin, Harris, Harrison, Polk, San Jacinto, Brazos, Madison, Trinity, Tyler, Liberty, Anderson, Sabine, Grimes and Montgomery; providing a penalty; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

PARR, Chairman.

Committee Room,
Austin, Texas, March 14, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

H. B. No. 87, A bill to be entitled "An Act to authorize the selection of school depositories for independent districts in certain counties regardless of the population of said districts; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

NEAL, Chairman.

Committee Room,
Austin, Texas, March 14, 1930
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Highways and Motor Traffic, to whom was referred

H. B. No. 53, A bill to be entitled "An Act to amend Section 1, Chapter 147, Acts Thirty-ninth Legisla-

ture, First Called Session, creating and defining by metes and bounds Road District No. 2 of Cherokee County, Texas, under authority of Section 52, of Article 3," etc.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WITT, Chairman.

Committee Room,
Austin, Texas, March 13, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Public Lands and Land Office, to whom was referred

H. B. No. 108, A bill to be entitled "An Act to authorize the commissioners' court of Wilbarger County, Texas, to contract and agree with the proper authorities of the State of Oklahoma for the construction of a public bridge across Red River at some point on the north line of Wilbarger County, Texas, and to authorize said commissioners' court of Wilbarger County, Texas, out of the road and bridge funds of said county, to pay not more than twenty-five per cent of the cost of construction and maintenance, and to authorize the issuance of bonds or warrants for said purpose and to provide that the said bridge, when constructed, shall be a part of the public highways of the State of Texas, and to authorize the appropriation of funds by the said Highway Commissioner to aid in the construction and maintenance thereof, on authority herein granted by authority of the Governor of Texas; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

SMALL, Chairman.

Committee Room,
Austin, Texas, March 14, 1930.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 87, A bill to be entitled "An Act designating the historical collection of the North Texas State Teachers College, consisting of books, documents, stamps, coins, fire arms, implements of warfare,

relics, heirlooms and various and sundry other things and collections of historical importance, a State historical collection; authorizing the Board of Regents of said college to accept and receive gifts, donations and collections of all kind having a historical value, to prescribe rules and regulations with respect to the same and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and that it be not printed.

WIRTZ, Chairman.

Committee Room,

Austin, Texas, March 14, 1930.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 76, A bill to be entitled "An Act amending Article 3891, R. C. S. of Texas of 1925, as amended by H. B. No. 9, Acts of the Forty-first Legislature, Fourth Called Session, so as to provide that in all counties having a population of 210,000 or more, according to the census of 1920, the county judge can retain all excess fees until the same, together with the maximum fees allowed by Articles 3883, 3883a and 3886, shall amount to a sum equal to the total compensation from all sources allowed to a district judge in such counties; and providing that all other officers in such counties can retain all excess fees until the sum, together with said maximum fees allowed by such Articles shall amount to the sum of Ten Thousand (\$10,000.00) Dollars, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and that it being a local bill, that it be not printed.

WIRTZ, Chairman.

Committee Room,

Austin, Texas, March 14, 1930.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 69, A bill to be entitled "An Act amending Section 1 of Chapter 27, Acts Forty-first Legislature, Second Called Session, as

amended by H. B. No. 89 of the Fourth Called Session, Acts Forty-first Legislature; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WIRTZ, Chairman.

Committee Room,

Austin, Texas, March 15, 1930.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 67, A bill to be entitled "An Act authorizing the Commissioners' Court of Shackelford County to pay bounties on wolf scalps in Shackelford County to preserve game in said county; enacting the necessary regulations in reference thereto; and declaring an emergency."

Have had the same under consideration and I am instructed to report it back to the Senate with the recommendation that it do pass and that it be not printed.

WIRTZ, Chairman.

Committee Room,

Austin, Texas, March 14, 1930.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Educational Affairs, to whom was referred

S. B. No. 94, A bill to be entitled "An Act to fix the salary of the Superintendent of Public Instruction in each county in Texas having a population of not less than 4,660 nor more than 4,700 according to the Federal census of 1920; providing for office expenses; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

NEAL, Chairman.

Committee Room,

Austin, Texas, March 14, 1930.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Priv-

illeges and Elections, to whom was referred

H. B. No. 124, A bill to be entitled "An Act to amend Section 1 of House Bill No. 91 passed by the Fourth Called Session of the Forty-first Legislature of the State of Texas, relating to the manner of holding elections for the issuing of seawall bonds, under Article 6834, Title 118, of said Revised Civil Statutes of Texas of 1925; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

HOLBROOK, Chairman.

Committee Room,

Austin, Texas, March 14, 1930.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

H. B. No. 40, A bill to be entitled "An Act creating the 117th Judicial District Court for Nueces County; defining its jurisdiction; transferring the civil original jurisdiction of the County Court of Nueces County to the Court created hereby and adjusting the business of said courts; adjusting the business of the 28th District Court of Nueces County with the court created hereby; prescribing the duties of the District Clerk with respect thereto; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

PATTON, Chairman.

(Floor Report.)

Senate Chamber,

Austin, Texas, March 14, 1930.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

H. B. No. 73, A bill to be entitled "An Act creating one additional court for Dallas County, defining jurisdiction, adjusting the business of the existing District Courts to the business thereof, prescribing the duties of the District Clerk with respect

thereto; and declaring an emergency."

Have had the same under consideration and beg leave to report it back to the Senate with the recommendation that it do pass with the following Committee Amendment: That Section 4a of the bill be stricken out; and that it be not printed since Senate Bill on same subject was printed.

Patton, Chairman, Hardin, Martin, Neal, Woodul, Hyer, Gainer, Berkeley.

Committee Room,

Austin, Texas, March 14, 1930.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Highways and Motor Traffic, to whom was referred

H. B. No. 109, A bill to be entitled "An Act to provide a special county road law for Austin County, Texas," etc.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WITT, Chairman.

Committee Room,

Austin, Texas, March 14, 1930.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 82, A bill to be entitled "An Act to amend Section 1 of Chapter 10 of the Acts of the Third Called Session of the Forty-first Legislature, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and that it be printed in the Journal but not otherwise.

WIRTZ, Chairman.

By Williamson and S. B. No. 82.
Pollard.

A BILL

To Be Entitled

An Act to amend Section 1 of Chapter 10 of the Acts of the Third Called Session of the Forty-first Legislature, and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. Section 1 of Chapter 10 of the Acts of the Third Called Session of the Forty-first Legislature is hereby amended so as to read as follows:

"Section 1. Section 14 of Chapter 186 of the General Laws of the Regular Session of the Thirty-ninth Legislature is hereby amended so as to read as follows:

"Section 14. Whenever in the judgment of the State Highway Commission the use or acquisition of any land, timber, earth, stone, gravel, or other material, necessary or convenient to any road to be constructed, reconstructed, maintained, widened, straightened, or lengthened by the State Highway Commission, the same may be acquired by purchase or by condemnation by the State of Texas. Provided that should the owner of such land or material, and the State Highway Commission, or its representatives, fail to agree upon the amount to be paid therefor, then the Attorney General, at the request of the State Highway Commission, shall proceed to condemn the same for and on behalf of the State of Texas in the manner provided for condemnation of lands by the State of Texas in Title 52, Articles 3264 to 3271, inclusive, of the Revised Civil Statutes of 1925. The Highway Commission's portion of the expense of such proceedings shall be paid out of the State Highway Fund. Provided that the county in which the State highway is located may pay for same out of the county road and bridge fund, or any available county funds.

"Any commissioners' court is hereby authorized to secure by purchase or by condemnation on behalf of the State of Texas any new or wider right of way or land or lands for material or borrow pits, to be used in the construction, reconstruction, or maintenance of State highways, and to pay for same out of the county road and bridge fund, or out of any special road funds or any available county funds. The State Highway Commission shall be charged with the duty of furnishing to the county commissioners' court the plats or field notes of such right of way or land and the description of such materials as may be required, after which the commissioners' court may, and is hereby authorized to purchase or condemn same, with title to the State of Texas, in accordance with such field notes. Provided, that in the event of condemnation by the county the procedure shall be the same as that set out in Title 52, Articles 3264 to 3271, inclusive, Revised Civil Statutes of 1925."

Sec. 2. The fact that there is now some confusion as to what procedure should be followed in condemning rights of way and materials for state highways, and the fact that only a few days remain of this term create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and said rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

**In Memory
of
Honorable W. H. Rice**

SIMPLE RESOLUTION NO. 21.

Senator Miller sent up the following resolution:

WHEREAS, Senator W. H. Rice, a former member of the Senate of Texas, departed this life on the Thirteenth day of March, 1930, and

WHEREAS, Senator Rice had served his State with unusual distinction and ability as a member of the Senate in the Legislature of Texas, having been a supporter of those measures designed to protect and preserve the interests and welfare of the people, and had the entire trust, confidence and admiration of all his colleagues; therefore be it

RESOLVED, That the Senate of Texas deeply regrets the untimely death of Senator Rice and extends its unbounded sympathy to his family in their bereavement; be it further

RESOLVED, That a copy of this resolution be forwarded to his family by the Secretary of the Senate, and that a page of the Senate Journal be set aside in honor of his memory.

MILLER,
PARR,
WITT,
WIRTZ,
McFARLANE.

Read and adopted unanimously by a rising vote.